IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Larry Verne PEDERSON	Confirmation No.: 4569
	Group Art Unit: 3739
Application No.: 10/677,488	Examiner: Henry M. JOHNSON, III
Filed: October 3, 2003	Attorney Docket No.: 44261-15
For: LIGHT THERAPY DEVICE	

DECLARATION UNDER 37 CFR §1.132

Mail Stop AMENDMENT
Office of Patent Legal Administration
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I, Larry V. Pederson, willfully make the following declaration:

I am the founder and former CEO of The Litebook Company Ltd. ("Litebook").

I am one of the co-inventors of the invention described and claimed in U.S. Patent Application No, 10/677,488, entitled "LIGHT THERAPY DEVICE," ("the Present Application"). I am familiar with the specification and claims of the Present Application.

BACKGROUND

I first became aware of light therapy in 1994 when I was clinically diagnosed with Seasonal Affective Disorder (SAD). I began using light therapy at that time, and experienced significant relief from daily treatments with a large light box. I eventually became a distributor for the light box's manufacturer. However, I was less than impressed with the light box's clunky design, large size, heavy weight and antiquated fluorescent light technology, all of which made

the unit cumbersome, inconvenient and aesthetically unappealing. These drawbacks to the light box, in turn, negatively impacted daily compliance, which in turn reduced the therapeutic benefit from the therapy. I decided to start a new company to improve the quality of life for people by providing new and innovative light therapy products.

I started Litebook in 1999 to develop a leading-edge light therapy device employing Light Emitting Diode (LED) technology. The device was designed to offer enhanced performance and convenience to a market that was dissatisfied with large and cumbersome fluorescent-light based products. The original design used a relatively large array of LEDs to produce in excess of 2500 lux at 12 inches, which was believed, at the time, to be the appropriate illuminance for ocular therapy. However, I later came to realize that therapeutic efficacy could be achieved with a smaller array of LEDs which produced a lower light output (i.e. less than 2,500 lux at 12 inches), provided the light output peaked in certain optimal wavelengths as specified in the present application. This meant that a more efficient device could be developed and significant power savings could also be achieved. I was ultimately able to determine that a light therapy device suitable for ocular therapy could be constructed using an LED array that produced an illuminance below 2500 lux at 12 inches. I filed the Present Application on this concept on October 3, 2003 claiming priority to an earlier provisional application, No. 60/481,397, filed September 18, 2003.

COMMERCIAL SUCCESS AND LICENSES

The original light therapy device offered by Litebook in 2001, included an LED array that produced in excess of 2500 lux at 12 inches. This device was relatively well received in the marketplace with sales ramping up from 645 units in the 2001-2002 fiscal year to 5,950 units in the 2003-2004 fiscal year. When Litebook introduced its second generation device, with an LED array having a reduced light output as described above, the demand for the device increased dramatically. In the first year after the introduction of the second generation device, sales almost doubled reaching 11,659 units sold.

The commercial success of the second generation device, as evidenced by the dramatic increase in sales, is the direct result of certain features not found in any other product known to me at the time. These features include a compact, light weight, portable device that is convenient to carry and use almost anywhere. These features are enabled by a low power design

flowing from an LED array with a reduced light output as claimed in the Present Application (i.e., an illuminance below 2500 lux at 12 inches). This low power design was possible only after I realized that it was more important for ocular therapy to receive optimal wavelength light than high illuminance light. The low power design further contributed to the commercial success by making, for the first time ever, battery-powered light therapy devices a practical reality.

The commercial success enjoyed by Litebook has been well recognized in the industry. To date, Sonicvision Corp., dba Nature Bright Company ("Nature Bright") and Outside In (Cambridge) Ltd., two competing companies, have sought to license Litebook's patented and patent-pending technology to a light-weight, portable light therapy device made possible by the low power LED design claimed in the Present Application. Litebook agreed to license both companies. The license with Nature Bright includes royalties of up to 10% on the sale of some of the devices. In my experience, a 10% royalty for products in the light therapy industry is unusually high, further demonstrating the innovativeness of the invention.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge of willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent application issuing thereon.

January 9, 2009
Date

Respectfully submitted,

Larry V. Pederson